

HOUSE BILL 863

By Brooks H

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 16, Part 6, relative to the prevention or
obstruction of service of legal writ or process.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-16-602, is amended by deleting subsection (d) and substituting instead the following:

(d) If service of process is going to be executed at a place of business, the person serving civil process shall be required to first make at least one (1) attempt to serve the process at the recipient's home or other address. If the recipient has no known address on record, the person serving civil process shall call the business at which the recipient is thought to be located and inform the business of the attempt to serve the recipient at home or another address. The business and the person serving civil process shall agree upon a convenient time and location at the business address for service of the civil process and, upon such agreement, the business shall make the employee available to the server at the agreed upon time and place. However, in no event may the business refuse the civil process server access to the employee if no agreement is reached.

(e)

(1) A violation of this section is a Class B misdemeanor unless the defendant uses a deadly weapon to resist the stop, frisk, halt, arrest, search or process server, in which event the violation is a Class A misdemeanor.

(2) If the violation of this section results from a business refusing a civil process server access to the recipient of lawful process on the grounds of such

business, only the person refusing the civil process server access shall be in violation of this section.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.